

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MANHEIM AUTOMOTIVE FINANCIAL SERVICES,  
INC.,

Plaintiff,

-against-

ALL MAJOR BRANDS AUTO SALES, INC., et  
al.

Defendants.

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**MATSUMOTO, United States District Judge:**

**MEMORANDUM AND ORDER**

10-CV-906 (KAM)(JO)

Plaintiff Manheim Automotive Financial Services, Inc. ("plaintiff") brought this breach of contract action<sup>1</sup> against defaulting defendants All Major Brands Auto Sales ("Auto Sales"), Steven Goltche ("Goltche"), and Meltom F. Gonzalez ("Gonzalez"), (collectively, the "defendants"), alleging that Auto Sales failed to make required payments under a financing agreement, to which Goltche and Gonzalez were personal guarantors. (*See generally* ECF No. 1, Compl.) Presently before the court is a Report and Recommendation issued by Magistrate Judge Orenstein on October 14, 2010, recommending that this court enter a default judgment jointly and severally against all defendants in the amount of \$116,565.42. (ECF No. 14, Report and Recommendation at 1-2.)

Notice of the Report and Recommendation was sent electronically plaintiff via the court's electronic filing system on October 14, 2010. The Report and Recommendation directed

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<sup>1</sup> Plaintiff also brought a claim for attorney's fees and costs, which it subsequently withdrew. (Compl. ¶¶ 26-28; ECF No. 12, 10/8/10 Letter at 1.)

counsel for the plaintiff to serve a copy of the Report and Recommendation by certified mail on all defendants and to file a declaration of service with the court no later than October 21, 2010. (*Id.* at 2.) On October 19, 2010, plaintiff's counsel filed a declaration indicating service of the Report and Recommendation upon all defendants by certified mail, return receipt requested, on October 18, 2010. (ECF No. 15, Decl. of Service dated 10/18/10.)

As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed by November 4, 2010. (Report and Recommendation at 2.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Orenstein's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and

considering that the parties have failed to object to any of Magistrate Judge Orenstein's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Orenstein's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

Counsel for plaintiff shall serve a copy of this Memorandum and Order upon all defendants and file a declaration of service by November 19, 2010. The Clerk of the Court is respectfully directed to enter a default judgment jointly and severally against all defendants in the amount of \$116,565.42 and to close the case.

**SO ORDERED.**

Dated: November 16, 2010  
Brooklyn, New York

\_\_\_\_\_/s/  
Kiyo A. Matsumoto  
United States District Judge